

United States District Court
Northern District of California

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

JEREMIAH W. BALIK,

Plaintiff,

v.

CITY OF CEDAR FALLS, et al.,

Defendants.

Case No. 16-CV-04070-LHK

**ORDER FINDING THAT CASES ARE
NOT RELATED**

On September 21, 2016, U.S. District Judge Haywood S. Gilliam, Jr. referred the case *Balik v. Sprint. Inc.* (“*Sprint*”), No. 16-CV-05101 to the undersigned for the purpose of determining whether *Sprint* is related to *Balik v. City of Cedar Falls*, No. 16-CV-04070. ECF No. 5 in the *Sprint* docket. Neither party filed an opposition to or support for the relation of these two cases, and the time to do so has now passed. Civ. L.R. 3-12(c), 3-12(e), 7-11(b) (providing that an opposition or support must be filed “no later than 4 days” after the judicial referral).

An action is related to another when (1) the actions “concern substantially the same parties, property, transaction, or event;” and (2) it “appears likely that there will be an unduly burdensome duplication of labor and expense or conflicting results if the cases are conducted before different Judges.” Civ. L.R. 3-12(a). For the reasons stated below, the Court concludes that *Sprint* and

Cedar Falls are not related under Civil Local Rule 3-12.

First, the two cases involve different sets of defendants. In *Sprint*, Plaintiff Jeremiah Balik (“Balik”) sues Sprint, Inc., Time Warner Cable, Inc., Next Generation Wireless, and Telephone and Data Systems, Inc.

In *Cedar Falls*, Balik sues the City of Cedar Falls, Iowa; the City of San Jose, California; the City of Ventura, California; the City of Santa Clara, California; the Los Angeles County Sheriff’s Department; the Santa Barbara County Sheriff’s Department; the San Diego County Sheriff’s Department; and Next Generation Wireless.

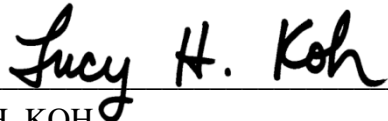
Thus, the two cases do not share ten defendants. Only Next Generation Wireless is a defendant in both cases.

Second, the gravamen of the two cases are different. In *Sprint*, Balik asserts a claim for racial discrimination in employment under the Fair Employment and Housing Act, Cal. Gov. Code § 12900, which was not asserted in *Cedar Falls*. In *Cedar Falls*, Balik’s claims center on allegedly improper police patrolling and the issuance of traffic citations to Balik in, among other locations, San Jose, Ventura, Oakland, Santa Clara, Los Angeles, Santa Barbara, and San Diego. Balik does not raise these incidents in *Sprint*.

Accordingly, the undersigned finds that *Sprint* and *Cedar Falls* are not related under Civil Local Rule 3-12. A copy of this order shall be filed in the *Sprint* docket.

IT IS SO ORDERED.

Dated: September 27, 2016



LUCY H. KOH
United States District Judge